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ON THE LAW OF THE SEA

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Third Session

PROVISIONAL SUMMARY RECORD OF THE FIFTY-SIXTH PLENARY MEETING

held at the Palais des Nations, Geneva,  
on Friday, 9 May 1975, at 10.25 a.m.

President: Mr. AMERASINGHE

Sri Lanka

Rapporteur-General: Mr. RATTRAY

Jamaica

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N.B. Participants wishing to have corrections to this provisional summary record incorporated in the final summary record of the meeting are requested to submit them in writing in quadruplicate, preferably on a copy of the record itself, to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva, within five working days of receiving the provisional record in their working language.

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REPORT OF THE CREDENTIALS COMMITTEE (A/CONF.62/44 and Corr.1)

The PRESIDENT invited the Conference to take note of the report of the Credentials Committee (A/CONF.62/44 and Corr.1). Since the submission of that report, the credentials of Argentina, Turkey and the Bahamas had been received.

The Conference took note of the report of the Credentials Committee (A/CONF.62/44 and Corr.1).

TIME, PLACE AND DURATION OF THE NEXT SESSION

The PRESIDENT said that the General Committee recommended that the fourth session of the Conference be held in New York from 29 March - 21 May 1976, and that a decision regarding a fifth session be held over until the fourth session. It also recommended that the General Assembly be asked to give the highest priority to the work of the Conference. He suggested that the Conference adopt those recommendations.

Further, since the Secretariat would require advance notice if it were decided to hold a fifth session, he suggested that the General Assembly be asked to authorize the Secretary-General to make the necessary arrangements for a further session in 1976 if the Conference found one necessary.

It was so decided.

QUESTION OF INTER-SESSIONAL ARRANGEMENTS FOR INFORMAL CONSULTATIONS AND NEGOTIATIONS

The PRESIDENT said that any groups wishing to hold informal consultations during the inter-sessional period should notify the Secretariat as soon as possible. He shared the view, widely supported in the General Committee, that it would do more to advance the work of the Conference if inter-group consultations, rather than consultations within individual groups, were held. The Secretariat would, however, require authority to make the necessary financial provision for such consultations.

Mr. HALL (Executive Secretary) said that on the basis of the information received by the Secretariat concerning proposed informal consultations, the estimated cost of providing interpretation facilities for consultations covering the equivalent of a period of eight weeks was approximately \$50,000.

The PRESIDENT suggested that the Conference request the Secretary-General to take the necessary steps, under the relevant rules laid down by the General Assembly, to secure the allocation of funds to cover the cost of the services in question.

It was so decided.

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## SINGLE NEGOTIATING TEXTS

The PRESIDENT said that the chairmen of the three Committees had each drafted a single negotiating text (A/CONF.62/WP.8/Parts I, II and III). Those texts were not intended to be the subject of discussion, but merely to provide a basis for negotiation. He thanked the Chairmen for discharging that onerous task, and the Secretariat for assisting them in their work.

Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, said that, in the absence of any introduction to the text prepared for his Committee (A/CONF.62/WP.8/Part I), he had circulated a mimeographed document to delegations outlining the content of the text and explaining the reasoning behind his decisions.

Mr. YANKOV (Bulgaria), Chairman of the Third Committee, said that the single negotiating texts were not an end in themselves, but rather an indication that the Conference had reached a turning point, and an expression of its will to negotiate.

In preparing the text for his Committee, he had taken full account of all the proposals before it, and had tried to respect the frequently conflicting views as fully as possible. That had been no easy matter and he alone was responsible for the choices which had had to be made. He had also kept very much in mind that the text was intended only as a basis for negotiation; it had not been his intention to change the status of delegations' proposals and the text was in no way to be regarded as a compromise.

Mr. ZEGERS (Chile) said that, since it would be almost a year before the fourth session of the Conference was held, it would be useful if governments could know in advance of any comments which other governments might wish to make. He suggested that the Secretariat might undertake to circulate such comments to participants in the Conference.

The PRESIDENT pointed out that financial provision would have to be made for that work.

Mr. STEVENSON (United States of America) said that, while he welcomed the Chilean representative's suggestion, he feared there might be some risk of proliferation of amendments. He was concerned that States might tend to suggest amendments individually rather than jointly, after consultation, which would impede the negotiations.

Mr. HALL (Executive Secretary) said there was no budgetary provision for a large volume of translation and reproduction of documents after the end of the current session and the Secretariat was not in a position to predict the amount of documentation that would be involved. The cost per 100 pages would be approximately \$15,000.

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The PRESIDENT suggested that delegations should themselves assume responsibility for circulating their comments.

It was so decided.

STATEMENT BY THE PRESIDENT

The PRESIDENT said that the Group of 77, through its Chairman and the Chairmen of the African, Asian and Latin American Groups, had expressed to him its grave concern at certain pronouncements made in responsible quarters to the effect that, if the Conference failed to conclude a treaty, unilateral action would be taken in the exploration and exploitation of the mineral resources of the sea-bed. Although no time-limit had been set for the conclusion of a treaty, such categorical statements were disturbing to the Group of 77, none of whose members had the capacity to carry out deep sea operations.

It would take time to conclude a treaty and, in his view, there had not been a lapse of time sufficient to justify unilateral action. He therefore appealed to all States to refrain from taking any such action and to restrain their nationals from doing so, and from jeopardizing the conclusion of a just and universally acceptable treaty.

The Declaration of Principles governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, adopted in General Assembly resolutions 2749 (XXV) and 2574 (XXIV), should, notwithstanding certain reservations maintained by some States, serve as an earnest of good faith until such time as a treaty was concluded or the patience of the international community was taken beyond endurance. There was too much at stake to imperil the outcome by precipitate action.

His appeal was not to be interpreted as a criticism of any State or person, and he trusted that it would not give rise to debate. He was indebted to the Group of 77 for raising the matter through him, rather than by the more formal method of submitting a resolution, and he saw that as an indication of its desire to avoid a long discussion.

He then read out the following statement, which the Group of Landlocked and Geographically Disadvantaged States had asked him to communicate to the Conference:

"I must first of all appeal not to take unilateral action in the international arena, the Group of land-locked and geographically disadvantaged States appeals to all States not to take any unilateral or other measures which would extend national jurisdiction beyond 12 nautical miles before the Third United Nations Conference on the Law of the Sea has completed its work."

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He also read out a telegram from the President of the Governing Council of the United Nations Environmental Programme, quoting the text of a decision reached by the Governing Council, in which the Conference was urged to give high priority to the inclusion, in the treaty under consideration, of effective provisions for the protection of the marine environment.

CLOSURE OF THE SESSION

The PRESIDENT thanked the Secretariat for the high quality of its services and expressed his gratitude to the Special Representative of the Secretary-General, the Executive Secretary of the Conference and the Director of the United Nations Office at Geneva for their help and guidance.

He then declared the third session of the Third United Nations Conference on the Law of the Sea closed.

The meeting rose at 10.55 a.m.

A/CONF.62/SR.56